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Honduras: Procedures for lodging a criminal complaint with the police including a complaint about police activity or misconduct and how effectively such complaints are processed; procedures to obtain police reports
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Lodging complaints with the police

The website of the United States (US) embassy in Tegucigalpa, Honduras, indicates that a crime victim can file a police report or register a complaint at the local office of the National Directorate of Criminal Investigations (Dirección Nacional de Investigación Criminal, DNIC) in the jurisdiction where the crime took place (8 Nov. 2010). A lawyer with the National Human Rights Commission (Comisionado Nacional de los Derechos Humanos, CONADEH) --- an independent institution established by law to ensure that Honduras observes the rights and freedoms enshrined in the Constitution (CONADEH 1 Feb. 2010) --- stated, in a telephone interview with the Research Directorate, that a person can lodge a complaint with the DNIC by [translation] "presenting a national identity card and filing a police report with a description and nature of the crime" (ibid. 12 Jan. 2011).

According to the US embassy, the complaint must be filed by the victim as soon as possible, after which they will receive a copy of the report (8 Nov. 2010). Moreover, in 10 January 2011 correspondence with the Research Directorate, officials with the Canadian embassy for Costa Rica, Nicaragua and Honduras indicated that a victim of a crime can also file a police report with the local police (Policía Nacional Preventiva) (10 Jan. 2011).

According to the US embassy, the crime victim may obtain information about the investigation's progress through the National Directorate of Criminal Investigations, the organization in charge of investigating crimes (8 Nov. 2010).

When asked how long it takes to resolve a complaint lodged by a person in Honduras, the CONADEH lawyer stated that [translation] "the time it takes to resolve a criminal investigation varies and depends on the nature of the crime" (CONADEH 12 Jan. 2011).

Procedure for obtaining police reports

The Canadian embassy officials stated that, other than filing a report with

the police, there is no special process for obtaining a police report (Canada 10 Jan. 2011). The officials added that the report will be available to the person filing it without undue delay (ibid.). If the person is out of the country, the Canadian officials stated that

[h]e / she may request the assistance of a lawyer to obtain a copy of the report or have a family member [do] this. With a family member, the victim shall proceed by appointing his / her relative and give him / her formal power of attorney to legally represent the victim. This can be done through a lawyer or by a formal letter from the victim authorizing this person to obtain a copy of a police report on his / her behalf. Such letter must be authenticated by the Honduran Embassy in Ottawa or any other Honduran Embassy / Diplomatic Mission and shall be in Spanish. The Canadian Embassy in Honduras can also assist to obtain a copy of a police report. (ibid.)

This statement was corroborated during a telephone interview with a second lawyer at CONADEH (14 Jan. 2011). The lawyer stated that a Honduran citizen in another country, such as Canada, can obtain a copy of a police report by contacting a lawyer in Honduras or giving power of attorney to a family member (CONADEH 14 Jan. 2011). Moreover, she said that if the process is delayed, the person can send an official letter to CONADEH asking them to try and obtain the report in collaboration with the Canadian government (ibid.).

Lodging complaints against the police

El Heraldo, an independent, Honduras-based national newspaper (*El Heraldo* n.d.), indicates that there are [translation] "2.2 complaints lodged daily against police officers" for corruption and taking part in crimes such as "kidnappings or armed robbery" (25 July 2010).

CONADEH published a report in 2010 noting that the organization received 7,775 complaints against members of the police (Policía Preventiva y de Investigación Criminal) between January 2005 and June 2010 (28 Oct. 2010).

The first CONADEH lawyer whom the Research Directorate interviewed said that a person can also lodge a complaint against the police with the National Directorate of Internal Affairs (Dirección Nacional de Asuntos Internos) (12 Jan. 2011).

Effectiveness of complaints investigations

The US embassy states that the "[c]ollection of forensic evidence is not a common practice in Honduras" and that "[m]any crime investigations never result in the arrest of a suspect" (8 Nov. 2010).

El Heraldo quotes the Director of the National Directorate of Internal Affairs as saying that, since the creation of the National Directorate, they have dealt with 6,000 complaints against the police, 25 of which were referred for prosecution (25 July 2010). In the same article, the police commissioner also says that police officers are investigated by the Commission of Crimes and Misdemeanors (*El Heraldo* 25 July 2010). Furthermore, the police commissioner is quoted as saying that

[translation] [i]f it is a crime, we follow criminal investigation procedures and refer the case to the district attorney's office, and if there's wrongdoing we send it to the minister (of Security Oscar Álvarez) and to the director of the National Police so that they can carry out the hearing for discharge. (ibid.)

The first lawyer from CONADEH stated that the National Directorate of Internal Affairs is very diligent in attending to complaints and works closely with CONADEH (12 Jan. 2011).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Canada. 10 January 2011. Embassy of Canada to Costa Rica, Nicaragua and Honduras. Correspondence from officials.

Comisionado Nacional de los Derechos Humanos (CONADEH), Tegucigalpa, Honduras. 14 January 2011. Telephone interview with a lawyer.

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El Heraldo [Tegucigalpa]. 25 July 2010. "Hay 2.2 denuncias diarias contra agentes de Policía." <<http://www.elheraldo.hn/Sucesos/Ediciones/2010/07/26/Noticias/Hay-2.2-denuncias-diarias-contra-agentes-de-Policia>> [Accessed 12 Jan. 2011]

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United States (US). 8 November 2010. Embassy of the United States, Tegucigalpa. "Help for American Victims of Crimes in Honduras." <<http://honduras.usembassy.gov/victcrime.html>> [Accessed 11 Jan. 2011]

Additional Sources Consulted

Oral sources: A counsellor at the Embassy of Honduras in Ottawa was unable to provide information within the time restraints of this Response. Attempts to contact the director at the National Human Rights Commission in Tegucigalpa, Honduras (Comisionado Nacional de los Derecho Humanos, CONADEH), and the National Directorate of Criminal Investigations in Tegucigalpa, Honduras were

unsuccessful.

Internet sites, including: Centro de Prevención, Tratamiento y Rehabilitación de las Víctimas de la Tortura y sus Familiares (CPRT); Citizenship and Immigration Canada (CIC); Factiva; Freedom House; Gobierno de Honduras; Human Rights Watch; Inter-American Commission on Human Rights; International Relations and Security Network (ISN); *La Prensa de Honduras* [San Pedro Sula]; Mapa Contra El Delito; Ministerio Público (Honduras); Parlamento Centroamericano, Poder Judicial (Honduras); United Nations (UN) Integrated Regional Information Networks (IRIN); UN Refworld.

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